

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Sean Ahern

v.

Case No. 04-cv-474-SM

United States

ORDER

The court determined that the motion was properly construed as a second or successive petition over which the court lacked subject matter jurisdiction, appellate preclearance not having been first obtained, and no other exception being applicable . 28 U.S.C. §§ 2244(b)(2). That determination is not reasonably debatable, so the court necessarily declines to issue a certificate of appealability.

SO ORDERED.

February 3, 2012

/s/ Steven J. McAuliffe

Steven J. McAuliffe
United States District Judge

cc: Sean Ahern, pro se